

IFW



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 23, 2004

Signature:

(Annie Zohlen)

Docket No.: 53086-00704USPT
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
John Liccione et al.

Application No.: 10/657561

Group Art Unit: N/A

Filed: September 9, 2003

Examiner: Not Yet Assigned

For: SYSTEM AND METHOD FOR APPLICATION
MONITORING AND AUTOMATIC
DISASTER RECOVERY FOR HIGH-
AVAILABILITY

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed are the following items for filing in connection with the above-referenced Patent Application:


1. Revocation of Power of Attorney w/ New POA and Change of Address;
2. Power of Attorney and Correspondence Address Change Indication Form;
3. Statement Under 37 CFR 3.73(b);
4. Copy of Recordation of Assignment from inventors recorded February 11, 2004;
and
5. Copy of Recordation of Security Agreement recorded July 9, 2004.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this

application by this firm) to our Deposit Account No. 10-0447, under Order No. 53086-00704USPT. A duplicate copy of this paper is enclosed.

Dated: November 23, 2004

Respectfully submitted,

By William Wiese 
William D. Wiese
Registration No.: 45,217

JENKENS & GILCHRIST, A PROFESSIONAL
CORPORATION

401 Congress Ave
Suite 2500
Austin, Texas 78701
(512) 499-3800
Attorneys For Applicant



REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Application Number	10/657561
	Filing Date	September 9, 2003
	First Named Inventor	John Liccione
	Art Unit	N/A
	Examiner Name	Not Yet Assigned
	Attorney Docket Number	53086-00704USPT

I hereby revoke all previous powers of attorney given in the above-identified application.

☒ A Power of Attorney is submitted herewith.

OR

☐ I hereby appoint the practitioners associated with the Customer Number:

☐ Please change the correspondence address for the above-identified application to:

☐ The address associated with
Customer Number:

OR

☒ Firm or Individual Name William D. Wiese
Jenkins & Gilchrist, P.C.

Address 1401 McKinney, Suite 2600

City Houston

Country US State Texas Zip 77010

Telephone 512.499.3800 Fax 512.499.3810

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature

Name Michael I. Rosenfelt

Date 11-19-04

Telephone

512-613-7854 / 512-652-1100

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of 1 forms are submitted.

**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

Application Number	10/657561
Filing Date	September 9, 2003
First Named Inventor	John Liccione
Title	SYSTEM AND METHOD FOR APPLICATION MONITORING, etc.
Art Unit	N/A
Examiner Name	Not Yet Assigned
Attorney Docket No.	53086-00704USPT

I hereby appoint

☒ Practitioners associated with the Customer Number: 23932

OR

☐ Practitioner(s) named below:

Name	Registration Number	Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

☒ Firm or
Individual Name William D. Wiese
Jenkins & Gilchrist, P.C.

Address 1401 McKinney, Suite 2600

City	Houston	State	Texas	Zip	77010
Country	US	Telephone	512.499.3800	Fax	512.499.3810

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature		Date	11/19/04
Name	Michael I. Rosenfelt	Telephone	512 652 4500
Title and Company	Authorized Signer, MessageOne Inc.		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of _____ forms are submitted.



Approved for use through 07/31/2008. OMB 0651-0031
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: John Liccione et al.

Application No./Patent No.: 10/657561

Filed/Issue Date: September 9, 2003

Entitled: SYSTEM AND METHOD FOR APPLICATION MONITORING AND AUTOMATIC DISASTER RECOVERY FOR HIGH-AVAILABILITY

MessageOne Inc.
 (Name of Assignee)

, a Delaware Corporation
 (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
 The extent (by percentage) of its ownership interest is _____ %
 in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: John Liccione To: Evergreen Assurance, Inc.
 The document was recorded in the United States Patent and Trademark Office at Reel 014971, Frame 0440, or for which a copy thereof is attached.
2. From: Kelly M. Jones To: Evergreen Assurance, Inc.
 The document was recorded in the United States Patent and Trademark Office at Reel 014971, Frame 0440, or for which a copy thereof is attached.
3. From: Evergreen Assurance, Inc. To: MessageOne, Inc.
 The document was recorded in the United States Patent and Trademark Office at Reel 014831, Frame 0327, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.
 [NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

[Signature]
 Signature
Michael I. Rosenfelt
 Printed or Typed Name
Authorized Signer for Assignee
 Title

11/22/04
 Date
572.652.4500
 Telephone Number

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 23, 2004

Signature: [Signature] (Annie C. Zohlen)

AUSTIN 397718v1 53086-00006

11/22/04 MON 15:59 [TX/RX NO 7030]



EAX-0001-US

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

AUGUST 11, 2004

PTAS



PIPER RUDNICK LLP
RAYMOND MILLIEN
1200 NINETEENTH STREET, N.W.
WASHINGTON, DC 20036-2412

102669801A*

AUG 13 2004

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 02/11/2004

REEL/FRAME: 014971/0440
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).
DOCKET NUMBER: EX0001US

ASSIGNOR:
LICCIONE, JOHN

DOC DATE: 12/29/2003

ASSIGNOR:
JONES, KELLY M.

DOC DATE: 12/29/2003

ASSIGNEE:
EVERGREEN ASSURANCE, INC.
1997 ANNAPOLIS EXCHANGE PARKWAY,
SUITE 400
ANNAPOLIS, MARYLAND 21401

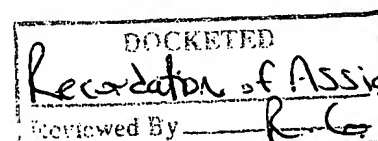
SERIAL NUMBER: 10657561

FILING DATE: 09/09/2003

PATENT NUMBER:

ISSUE DATE:

TITLE: SYSTEM AND METHOD FOR APPLICATION MONITORING AND AUTOMATIC DISASTER
RECOVERY FOR HIGH-AVAILABILITY

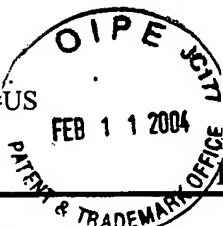


014971/0440 PAGE 2

SHARON BROOKS, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

Docket No.: EAX-0001-US

FORM PTO-1595
1-31-92



02-17-2004



U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks, U.S. Patent and Trademark Office, 102669801

1. Name of conveying party(ies):

- 1) John Liccione
- 2) Kelly M. Jones

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of Conveyance:

- ☒ Assignment
- ☐ Security Agreement
- ☐ Other
- ☐ Merger
- ☐ Change of Name

Execution Date: December 29, 2003

2. Name and address of receiving party(ies):

Name: EVERGREEN ASSURANCE, INC.

Address: 1997 Annapolis Exchange Parkway
Suite 400
Annapolis, MD 21401



Additional name(s) and address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

10/657,561

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Supervisor, Patent Prosecution Services
PIPER RUDNICK LLP
1200 Nineteenth Street, N.W.
Washington, D.C. 20036-2412
Telephone No. (202) 861-3900
Facsimile No. (202) 223-2085

6. Total applications and patents involved: 40.00

7. Total fee (37 CFR 3.41): \$40.00

- ☒ Enclosed
- ☐ Authorized to be charged to deposit account

8. Deposit account number: 50-1442

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Raymond Millien

Name of Person Signing

Signature

2/13/04

Date

Registration Number: 44,806

Total number of pages including this cover sheet: 3

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks
Box Assignments
PO BOX 1450
ALEXANDRIA, VA 22313-1450

02/17/2004 DBYRNE 00000015 10657561

01 FC:8021

40.00 DP

Assignment of Application

WHEREAS, I (we), _____

John LICCIONE, 2411 Hamden Court, Crofton, MD 21114; and _____

Kelly M. JONES, 1302 Farley Court South, Arnold, MD 21012. _____

_____, respectively,

have invented certain new and useful improvements in: _____ System and Method For

Application Monitoring and Automatic Disaster Recovery For High-Availability _____

for which an application for Letters Patent was executed on _____ December 29, 2003 _____

(Application No. _____ 10/657,561 _____, Filed _____ September 9, 2003 _____); and

WHEREAS, _____ EVERGREEN ASSURANCE, INC. _____

(hereinafter referred to as "ASSIGNEE"), having a place of business at:

1997 Annapolis Exchange Parkway, Suite 400 _____

Annapolis, MD 21401 _____

is desirous of acquiring the full and exclusive right in and to said Invention and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States and its territorial possessions and in any and all foreign countries;

NOW, THEREFORE, in consideration of the sum of FIVE DOLLARS (\$5.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration, I (we), by these presents do sell, assign and transfer unto said ASSIGNEE, the full and exclusive right in and to said Invention in the United States and its territorial possessions and in any and all foreign countries, and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States and its territorial possessions and in any and all foreign countries and in and to any and all divisions, continuations, substitutions, renewals and reissues thereof.

I (we) hereby authorize and request the Patent Office Officials in the United States and its territorial possessions and in any and all foreign countries to issue any and all of said Letters Patent, when granted, to said ASSIGNEE as the assignee of my (our) entire right, title and interest in and to the same, for the sole use and behoof of said ASSIGNEE and said ASSIGNEE's successors and assigns, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by me (us) had this Assignment and sale not been made.

Further, I (we) agree that I (we) will communicate to said ASSIGNEE or said ASSIGNEE's representatives any facts known to me (us) respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, substitute, renewal and reissue applications, execute all necessary assignment papers to cause any and all of said Letters Patent to be issued to said ASSIGNEE, make all rightful oaths, and, generally, do everything possible to aid said ASSIGNEE, and said ASSIGNEE's successors and assigns, to obtain and enforce proper protection for said Invention in the United States and its territorial possessions and in any and all foreign countries.

The undersigned hereby grant(s) the firm of Piper Rudnick LLP, Attorneys at Law, 1200 Nineteenth Street, N.W., Washington, D.C. 20036-2412, the power to insert on this Assignment any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Date: 12/29/03

John W. Liccione
(Signature of Inventor) John LICCIONE

Date: 29 Dec 03

[Signature]
(Signature of Inventor) Dr. Kelly M. JONES

Date: _____

(Signature of Inventor)

Date: _____

(Signature of Inventor)

Date: _____

(Signature of Inventor)

Date: _____

(Signature of Inventor)

Date: _____

(Signature of Inventor)



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231



500002250A

JULY 09, 2004

PTAS

JENKENS & GILCHRIST
1445 ROSS AVENUE
SUITE 3200
DALLAS, TX 75202

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/09/2004

REEL/FRAME: 014831/0327
NUMBER OF PAGES: 19

BRIEF: SECURITY AGREEMENT

ASSIGNOR:
EVERGREEN ASSURANCE, INC.

DOC DATE: 07/07/2004

ASSIGNEE:
MESSAGEONE INC.
11044 RESEARCH BLVD.
SUITE C-500
AUSTIN, TEXAS 78759

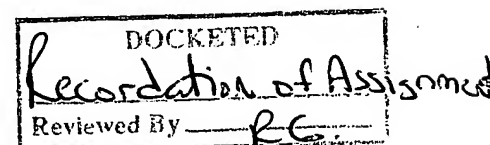
SERIAL NUMBER: 10657561

FILING DATE: 09/09/2003

PATENT NUMBER:

ISSUE DATE:

TITLE: SYSTEM AND METHOD FOR APPLICATION MONITORING AND AUTOMATIC DISASTER RECOVERY FOR HIGH-AVAILABILITY



014831/0327 PAGE 2

SERIAL NUMBER:
PATENT NUMBER:
PCT NUMBER: US0327899
TITLE:

FILING DATE:
ISSUE DATE:

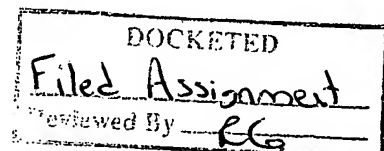
PAULA MCCRAY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

PATENT ASSIGNMENT

Electronic Version v1.1
Stylesheet Version v1.1

07/09/2004
500002250

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	SECURITY AGREEMENT
CONVEYING PARTY DATA	
Name	Execution Date
Evergreen Assurance, Inc.	07/07/2004
RECEIVING PARTY DATA	
Name:	MessageOne Inc.
Street Address:	11044 Research Blvd.
Internal Address:	Suite C-500
City:	Austin
State/Country:	TEXAS
Postal Code:	78759
PROPERTY NUMBERS Total: 2	
Property Type	Number
Application Number:	10657561
PCT Number:	US0327899
CORRESPONDENCE DATA	
Fax Number:	(512)404-3520
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>	
Phone:	(512) 499-3800
Email:	azohlen@jenkens.com
Correspondent Name:	Jenkins & Gilchrist
Address Line 1:	1445 Ross Avenue
Address Line 2:	Suite 3200
Address Line 4:	Dallas, TEXAS 75202
NAME OF SUBMITTER:	Annie Zohlen
Total Attachments: 17 source=Untitled#page1.tif source=Untitled#page2.tif source=Untitled#page3.tif	



source=Untitled#page4.tif
source=Untitled#page5.tif
source=Untitled#page6.tif
source=Untitled#page7.tif
source=Untitled#page8.tif
source=Untitled#page9.tif
source=Untitled#page10.tif
source=Untitled#page11.tif
source=Untitled#page12.tif
source=Untitled#page13.tif
source=Untitled#page14.tif
source=Untitled#page15.tif
source=Untitled#page16.tif
source=Untitled#page17.tif